

## Memorandum 2022-10

**Handbook of Practices and Procedures**

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The Commission<sup>1</sup> has long maintained an informal *Handbook of Practices and Procedures* to memorialize its decisions about how it operates.<sup>2</sup> At its January 2022 meeting, the staff explained the limitations on the powers of Legislators who are appointed to serve on the Commission.<sup>3</sup> To memorialize that guidance, the staff has prepared a draft of a new provision for the *Handbook*. The purpose of the provision is to provide guidance that would help to avoid any appearance of overreach by the Commission's legislative members.

The draft reads as follows:

**120. Legislative member voting**

(a) Government Code Section 8281(b), Section 3 of Article III of the California Constitution, and Section 13 of Article IV of the California Constitution, impose limitations on the actions that may be taken by the Commission's legislative members.

(b) To ensure compliance with those limitations, the Commission's legislative members will not vote on any matter that implicates the sovereign powers of the State, including, but not limited to, voting on contracts or personnel matters.

(c) Nothing in this section affects the authority of the Commission's legislative members to participate in the development of a law reform recommendation, for submission to the Legislature. Such participation includes, but is not limited to, voting on the following matters:

- (1) Approving the Commission's work priorities.
- (2) Requesting new study authority.
- (3) Directing staff work on studies.

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1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. See, e.g., Memorandum 1969-145.

3. See Minutes (Jan. 2022), p. 2.

(4) Approving a background report, discussion draft, tentative recommendation, or final recommendation.

(5) Deciding whether an amendment to a Commission-recommended bill is compatible with the Commission's recommendation.

(6) Deciding whether to revise a Commission report to conform to an amendment to a Commission-recommended bill.

**Should a provision along these lines be added to the *Handbook*, with or without changes?**

Respectfully submitted,

Brian Hebert  
Executive Director